

AB 2276 AIR CLEANER REGULATION

Responses to Questions Regarding the Air Cleaner Regulation

This document provides responses to some questions raised during the informational web-based teleconference held Thursday, December 4, 2008 to discuss implementation of the regulation, as well as responses to questions submitted by email that may be of general interest. Responses to additional questions of a general nature will be added here as they become available.

Responses Added January 15, 2009

Question #1:

When will the regulation take effect, and what is required at that time?

Response: The regulation's effective date is October 18, 2008. The requirements of the regulation must be met 24 months after the effective date of the regulation, or October 18, 2010 (the compliance date). At that time, no person or business shall manufacture, sell, supply, offer for sale or introduce into commerce, for use in California, any indoor air cleaning device for use or intended for use in occupied spaces unless the device is certified by the California Air Resources Board (ARB) to produce an ozone emission concentration that does not exceed 0.050 parts per million (ppm). Air cleaning devices also must be labeled as required, and must meet and continue to meet all regulation requirements. Additionally, within 12 months after the effective date (by October 18, 2009), manufacturers must send copies of the final regulation to all of their distributors, retailers and sellers as required in Section 94807 of the regulation, and provide copies to ARB of the emails or letters sent plus contact information for all recipients. For more information please access the Final Regulation Order at <http://www.arb.ca.gov/regact/2007/iacd07/iacd07.htm>.

Question #2:

What laboratories can conduct the testing that is required under this regulation?

Response: Any Nationally Recognized Testing Laboratory approved by the U.S. Occupational Safety and Health Administration (OSHA) for ANSI/UL Standards 867 and 507 and audited and approved by the ARB may be used. Currently, only UL has been approved. ARB is working with Intertek (ETL) and hopes to be able to audit and approve Intertek soon. All laboratories approved to conduct the tests will be identified on our website at: <http://www.arb.ca.gov/research/indoor/aircleaners/certification.htm>.

Question #3

A slide in the presentation listed the various industrial uses for ozone that are exempted from the regulation. The slide indicated that several of the exemptions (e.g. odor and smoke control in hotels) satisfy the definition only when the area in which the air cleaner is being used is "unoccupied." How is "unoccupied" defined? Does it mean "only during treatment", or unoccupied all of the time?

Response: The slide in the presentation used the term “unoccupied” as a shorter phrase for “provided no people are physically present” and was not clear. The regulation in section 94801 (a)(15) lists the various industrial uses that are exempt and contains the correct phrasing. For example, odor and smoke control in hotels is exempt “provided no people are physically present” at the time of the use. Similar correct phrasing is contained in the defined exemptions for mold remediation, fire and smoke damage remediation, and odor control in the motor vehicle reconditioning and detailing industry. The intent of the exemption is that persons will not be present during periods of treatment in the exempt applications.

Question #4:

Can we see the health research on ozone?

Response: There are hundreds of studies that have helped identify the health effects from ozone. The Initial Statement of Reasons (Staff Report, see <http://www.arb.ca.gov/regact/2007/iacd07/isor.pdf>) at pages 15-25 describes the adverse effects on health that have been demonstrated for ozone, along with measured and estimated exposure levels. Studies found that exposures to relatively low levels of ozone can cause decreases in lung function, pulmonary inflammation where ozone damages the tissues lining the respiratory airways, and airway hyperresponsiveness due to the contraction of muscle cells in the large airways in response to ozone. These studies demonstrate how asthma can be exacerbated by ozone exposure. Additional information is included on pages 21-22 of the Final Statement of Reasons (see <http://www.arb.ca.gov/regact/2007/iacd07/fsor07.pdf>).

The many studies demonstrating the harm from breathing ozone are detailed in the ARB staff report on the health-based California ambient air quality standard for ozone. The reference to the report is: *ARB, 2005b. Review of the California Ambient Air Quality Standard for Ozone, vols. 2 and 3*, at <http://www.arb.ca.gov/research/aaqs/ozone-rs/rev-staff/rev-staff.htm#Summary>. Additional health effects information for ozone also is available in recently completed federal documents that provided the basis for the current federal outdoor air quality ozone standard. See http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_cr.html.

Question #5:

Are portable air conditioners that include an ionizing air cleaner feature subject to the regulation?

Response: Yes. Portable air conditioners with a designated air cleaning unit or feature contained within them as part of the overall design are covered under the regulation. They must be tested and must comply with the regulatory requirements. The air cleaner portion would be tested with the air conditioner in the “fan only” operating mode.

Question #6:

Can you discuss the distinction between “model group” and “model family” and the decisions made about applying the regulation to “mechanical only” air cleaners with different motors and filters?

Response: “Model group” is defined in the regulation as “devices sharing the same design, operational features, device output, and performance characteristics, and manufactured by the same manufacturer.” The definition goes on to state that units in the same model group may be marketed under different brand names. Units that differ only in decorative treatments such as color, remote control, or other cosmetic features not related to ozone output, would belong in the same model group. “Model family” is a broader term used in the industry.

One decision that has been made is that air cleaners with the same motors, filters and design, but with an electric versus rotary switch could be considered to be in the same model group. Having different motors or filters, however, would typically cause the air cleaners to be in different model groups. Different filters, for example, could change the airflow resistance inside the air cleaner, thereby possibly affecting the electrical safety, and for that reason would be considered to be in a separate model group. Manufacturers are encouraged to review their products lines carefully, and if they have any questions regarding whether their models comprise more than one model group, they are encouraged to contact ARB.

Question #7:

Whom can I contact if I have other questions?

Response:

- For further information regarding the certification application and required tests, please contact Ryan Johnson at 916-323-2190, or rjohnson@arb.ca.gov.
- For general information about the regulation and submittal of documentation of notification of distributors, retailers, and sellers, please contact Jim Behrman at 916-322-8278, or jbehrman@arb.ca.gov.
- For problems printing or viewing this document or our webpages, or with listserve announcements, please contact Susan Lum at 916-323-5043, or slum@arb.ca.gov.